

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHELBY PATTERSON, *et al.*,

Plaintiffs,

VS.

BANK OF AMERICA, N.A., *et al.*,

Defendants.

Case No. 4:22-cv-1392-MTS

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Shelby Patterson’s Motions to Appoint Counsel, Docs. [26] & [27]. Specifically, Plaintiff requests counsel “based on the grounds of [his] physical and mental disabilities, as well as [his] limited understanding to fully comprehend the complex legal issues pertaining to fraud, deception, and contractual agreements.” Doc. [26] at 1. For the following reasons, the Motions are denied.

“There is no constitutional or statutory right to appointed counsel in civil cases.” *Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006) (internal citation omitted). Rather, a district court may appoint counsel in a civil case if the court is “convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel.” *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips*, 437 F.3d at 794.

After considering these factors, the Court finds that the appointment of counsel is not warranted at this time. Plaintiff has not submitted any information to demonstrate how his mental impairments would impair his prosecution on this case. To the contrary, Plaintiff has competently interacted with the Court throughout litigation and has been able to adequately articulate his claims. The Court will entertain a future motion for appointment of counsel as the case progresses, if appropriate.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Shelby Patterson's Motions to Appoint Counsel, Docs. [26] & [27], are **DENIED** at this time.

IT IS FURTHER ORDERED that Plaintiffs shall file a response to Defendant Bank of America's Motion to Dismiss, Docs. [14] & [15], by **August 2, 2023**.

Dated this 17th day of July 2023

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE